

HOUSE BILL 2373

By Faison

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to mistaken identity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 14, Part 1, is amended by adding the following as a new section:

(a) If a defendant was arrested, charged, or indicted with a criminal offense and the case is dismissed due to mistaken identity, the defendant may request, at the time of dismissal, that the court award the defendant reasonable attorney's fees. The court must determine if the arresting law enforcement agency exercised due diligence in investigating the circumstances of the alleged offense and arresting the defendant. If the court determines that the law enforcement agency did not exercise due diligence, the court shall award reasonable attorney's fees to the defendant. The fees shall be paid by the law enforcement agency.

(b) As used in this section, "mistaken identity" means during the investigation of a criminal offense, a person has been arrested, charged, or indicted for a criminal act and subsequent investigation has revealed that the person arrested was not the individual the arresting officer believed the person to be.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.